

EXHIBIT E



WILLIAMS, PORTER, DAY & NEVILLE P.C.
Wyoming's Law Firm

Patrick J. Murphy
Physical: 159 N. Wolcott St. Suite 400
Casper, WY 82601
Phone: 307-265-0700
Mailing: PO Box 10700
Casper, WY 82602
pmurphy@wpdn.net

August 16, 2024

VIA E-MAIL ONLY

Honorable Stephanie Hambrick
United States Magistrate Judge
Yellowstone Justice Center
105 Albright Avenue
Mammoth, WY 82190

Re: BCB Cheyenne LLC v. MineOne et al; Civil No. 23-CV-79-ABJ; Topics
for the 8/19/24 Informal Discovery Conference

Dear Judge Hambrick:

I write to respond to MineOne's recent letters about issues for our two-hour informal discovery conference on Monday, August 19, 2024. What follows are: (1) the most relevant and timely issues BCB wants the Court to address, including Defendants' refusal to schedule depositions with the key personnel listed below, and (2) BCB's position and rebuttal to the many issues raised by the MineOne Defendants in their multiple letters to Your Honor.

I. THE ISSUES BCB NEEDS THE COURT TO ADDRESS

A. Defendants Are Blocking and Refusing to Schedule Depositions for Their Key Personnel: Chong Wang, Jiaming Li, Huaili Zhang, Micree Zhan, Ran Chang, Nuolin Li.

Defendants are owned and operated by Chinese nationals. This is undisputed. These individuals – Chong Wang, Jiaming Li, Huaili Zhang (MineOne and Bit Origin), and Micree Zhan, Ran Chang, and Nuolin Li (Bitmain) – are each highly relevant to BCB's claims and possess unique knowledge and information critical to this case. But, instead of making their clients and key executives and decision makers available for deposition, Defendants have given a litany of excuses to deny and block BCB from deposing these individuals over Zoom. Instead of providing these individuals' WeChat communications, they have refused to produce them (*see* BCB's 7/10/24 *First Motion for Sanctions*).



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Patrick Murphy's Letter re: the
8/19/24 Informal Discovery Conference
Civil No. 23-CV-79

Never in my 44-year legal career, Your Honor, have I seen anything like this, where, as here, there are a group of foreign individuals critical to the facts in this case, and none of them – not one – is being made available for deposition. And, I have tried to schedule these depositions. I've written multiple conferral letters (with thoughtful deposition schedules). **“Exhibit 1”** shows the most recent deposition scheduling correspondence between the Parties. I've also tried to schedule meet and confer conference calls to schedule depositions, and all I get is excuses, delay and blocking tactics, and various objections about these individuals being “in China” and how they can't be deposed “because of Chinese laws” or how these individuals are not relevant (when we know they are).

But, this case is filed in the United States.

And now, Defendants are claiming they want to extend discovery. Extend discovery? After sixteen months of this? As you'll see below, Defendants don't want to conduct actual meaningful discovery, they want to overwhelm BCB, harass BCB, block BCB's depositions while they try to extend discovery to do more of *their own* depositions, and, ultimately, do everything they can to increase BCB's litigation costs. They know full well that by extending discovery it allows them more time to harass BCB and increase BCB's costs. The Court already extended the discovery cutoff one time, but the Defendants have not availed themselves of the opportunity to take any depositions during the extended discovery period. The Court should not further extend the September 17, 2024 discovery cutoff date. And the Court should also order that the Defendants' representatives appear, by Zoom, to give BCB their deposition testimony.

What follows are the only depositions BCB would like to take (and all easily before the September 17, 2024 discovery cutoff).

- **Chong Wang, MBA** (MineOne, Terra, Bit Origin) **August 23, 2024** via Zoom
- **Jiaming Li, PhD** (MineOne, Terra Crypto, Bit Origin) **August 30, 2024** via Zoom
- **Erick Rengifo, PhD** (MineOne, Terra, Bit Origin) **September 10, 2024** via Zoom
- **Huaili Zhang** (MineOne, Bit Origin) **September 13, 2024** via Zoom
- **Xiaping Cao, PhD** (Bit Origin, Chinese Government Advisor) **September 13, 2024** via Zoom
- **Ran Chang** (Bitmain) **August 28, 2024** via Zoom
- **Micree Zhan** (Bitmain) **August 28, 2024** via Zoom
- **Nuolin Lin** (Bitmain) **September 11, 2024** via Zoom



E. BCB Has Produced the Responsive Documents Dated March 7, 2023 to March 15, 2023.

As BCB earlier promised, it has produced the responsive documents dated March 7, 2023 to March 15, 2023. This is no longer an issue.

F. MineOne's Request for BCB's Text Messages and WeChat Messages is Not Ripe for an Informal Discovery Conference; BCB Does Not Have Any Responsive WeChat Messages (whereas MineOne continues to withhold responsive WeChat messages from its key employees); BCB Will Be Producing Responsive Text Messages Before the August 19, 2024 Informal Discovery Conference.

MineOne's demand for an informal discovery conference to discuss BCB's production of its WeChat messages and text messages is not ripe or mature. BCB and MineOne have not yet met and conferred about this production.

MineOne states that BCB failed to produce any WeChat messages. BCB did not produce any WeChat messages because BCB did not use WeChat to communicate about the project. As such, BCB does not have any WeChat messages to produce. In contrast, MineOne continues to withhold responsive WeChat messages that this Court compelled MineOne to produce by July 5, 2024 (and which are the subject of BCB's *Motion for Sanctions* against the MineOne Defendants [ECF 269]).

Regarding BCB's text messages, BCB has been diligently pulling responsive and relevant (and non-privileged) text messages and working with its Relativity vendor to load them into Relativity and prepare them for production. This process has taken significant time and effort. *See* Patrick Murphy's July 1, 2024 conferral email to Paula Colbath ("**Exhibit 12**"). BCB will produce any responsive, non-privileged text messages before the August 19, 2024 informal discovery conference. Again, in contrast, MineOne has refused to provide text messages from several of its key personnel, including Co-founder and site beneficial owner Chong "Lucas" Wang and employee Huaili "Wiley" Zhang (both of whom were key figures in breaching the DHS Agreement and replacing BCB as the Phase 2 O&M Service Provider).



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Patrick Murphy's Letter re: the
8/19/24 Informal Discovery Conference
Civil No. 23-CV-79

Thank you, Judge Hambrick.

Very truly yours,

A handwritten signature in black ink, appearing to read 'P. J. Murphy'.

Patrick J. Murphy

cc via email:

Khale Lenhardt, Esq.

Marc Feinstein, Esq.

Meggan Hathway, Esq.

Marc Gottlieb, Esq.

Sean Larson, Esq.

Alex Inman, Esq.

Paula Colbath, Esq.

William Pao, Esq.

David Forrest, Esq.

David Iden, Esq.

Scott Murray, Esq.

EXHIBIT 1



WILLIAMS, PORTER, DAY & NEVILLE P.C.
Wyoming's Law Firm

Patrick J. Murphy
Physical: 159 N. Wolcott St. Suite 400
Casper, WY 82601

Mailing: PO Box 10700
Casper, WY 82602
pmurphy@wpdn.net

August 13, 2024

VIA E-MAIL ONLY

Paula Colbath LOEB & LOEB LLP 345 Park Avenue New York, NY 10154 pcolbath@loeb.com	Marc Gottlieb ORTOLI ROSENSTADT, LLP 366 Madison Avenue, 3rd Floor New York, NY 10017 msg@orllp.legal	Marc Feinstein O'MELVENY & MYERS 400 South Hope Street Los Angeles, CA 90071-2899 mfeinstein@omm.com
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Re: Conferring About Proposed Depositions in BCB v. MineOne et al

Dear Paula, Marc and Marc:

There has been prior correspondence about proposed depositions – from both Paula and me – but now we need to buckle down and actually talk about, and schedule, depositions. We all know what our local rules provide:

Rule 30.1 Depositions

(a) Reasonable Notice

Unless otherwise ordered by the Court, “reasonable notice” for the taking of depositions under Fed. R. Civ. P. 30(b)(1) shall be not less than fourteen (14) days, as computed under Fed. R. Civ. 6. Before sending a notice to take a deposition, counsel or the unrepresented party seeking the deposition shall make a good faith effort to schedule it in a convenient and cost-effective manner.

All of us want to honor these local rules. Thus, I’m hoping we could Zoom with each other this coming Friday, August 16, to “make a good faith effort to schedule depositions in a convenient and cost-effective manner.”



Patrick Murphy's Conferral Letter re: Depositions
Tuesday, August 13, 2024
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One way that all of us can do depositions in a convenient and cost-effective manner is to do/attend them by Zoom. I agree to do this.

BCB and I have narrowed the depositions we feel we need to take before our September 17 discovery cutoff. Here is our narrowed list of the persons BCB wants to depose, all by Zoom. Also included are my suggested dates (which account for Paul's considerations and vacations dates in her July 11th letter). These dates are subject to conferring with all of you.

- Chong Wang, MBA (MineOne, Bit Origin) August 23, 2024
- Jiaming Li PhD (MineOne, Terra Crypto, Bit Origin) September 3, 2024
- Erick Rengifo, PhD (MineOne, Terra Crypto, Bit Origin) September 10, 2024
- Huaili Zhang (MineOne, Bit Origin) September 13, 2024
- Xiaping Cao, PhD (Bit Origin) September 13, 2024

- Ran Chang (Bitmain) August 27, 2024
- Micree Zhan (Bitmain) August 28, 2024
- Zhou Feng (Bitmain) August 29, 2024
- Rule 30(b)(6) witness of Bitmain Georgia, September 5, 2024 (topics for examination to be provided).
- John Kenyon Hayward (Bitmain's Expert Witness) September 11, 2024
- Shen "Neil" Nanpeng (HongShan, Formerly Sequoia China, Bitmain investor) September 12, 2024
- Nuolin Lin (Bitmain) September 13, 2024

Would each of you kindly examine your own schedules, your clients' schedules, and then write to all of us with your suggestions? Then, after we see what each other has written, I would like to shoot for a conferral call with the three of you as early as this Friday, August 16.

Thank you, Paula, Marc and Marc.

Very truly yours,

Patrick J. Murphy

cc: All Counsel (via e-mail only)



PAULA K. COLBATH
Partner

345 Park Avenue
New York, NY 10154

Direct 212.407.4905
Main 212.407.4000
Fax 212.407.4990
pcolbath@loeb.com

via email (pmurphy@wpdn.net)

August 16, 2024

Patrick Murphy, Esq.
Williams, Porter, Day and Neville, P.C.
159 N Wolcott St., Suite 400
Casper, WY 82601

Re: *BCB v MineOne et al.* – Deposition Scheduling

Dear Patrick:

We write in response to your August 13, 2024 letter, and in furtherance of my July 11, 2024 letter, and object to your proposed deposition schedule for the following reasons.

First, as we have repeatedly told you, the MineOne Defendants do not control Chong Wang and Wiley Zhang, nor are they officers, directors, employees or members of any of the MineOne Defendants. We cannot and will not agree to deposition dates on Mr. Wang and Mr. Zhang's behalf.

Second, as detailed in my July 11, 2024 letter, I am on vacation the week of August 26th, returning to the office on Wednesday, September 4th, 2024. The MineOne Defendants therefore object to your attempt to schedule depositions of Bitmain representatives Ran Chang, Micree Zhan, and Zhou Feng on August 27-29, 2024, despite your knowledge that I will not be able to attend on behalf of my clients. These depositions will need to take place once I return from vacation.

Third, as detailed in my prior correspondence, Mr. Li is physically located in China and cannot be there to give testimony in any proceeding. His passport remains with the U.S. Embassy for official business, so he is unable to travel. We will need to discuss special arrangements for Mr. Li's deposition.¹

The MineOne Defendants currently plan to depose the following individuals:

1. Michael Murphy
2. Emory Patterson
3. Neil Phippen
4. Rule 30(b)(6) witness of BCB Cheyenne LLC (matters for examination to be provided)
5. Sean Murphy
6. Steven Randall

¹ We note that you referred to John Kenyon Hayward as Bitmain's expert. As you are aware, Mr. Hayward is also the MineOne Defendants' damages expert.

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Patrick Murphy, Esq.
August 15, 2024
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7. Bryce Fincham
8. James Quid
9. Cheyenne Light, Fuel and Power Company/Black Hills Corporation corporate representative(s)
10. CEGEN Green Energy Ltd. corporate representative(s)
11. Mark Aldrich
12. Shermco Industries, Inc. corporate representative(s)
13. Systems Mechanical Electrical Civil, LLC corporate representative(s)
14. Cheyenne LEADS corporate representative(s)
15. Representatives of Laramie County Planning and Development and Laramie County Department of Buildings
16. Patrick Gahan
17. CMV Global, LLC
18. Bayview Capital Investments, LLC
19. Leo Wolfson
20. Barney Patsel
21. Todd Edwards
22. Tyler Lindholm
23. Joey Darwell
24. Lee Filer

Your proposed schedule does not leave adequate time before the close of discovery to complete these depositions, and we will need to discuss an alternative schedule to permit all depositions to proceed. We defer to counsel for Defendants Bitmain Technologies Georgia Limited, Bit Origin Ltd., and SonicHash LLC to provide their availability for a meet and confer, as we have previously requested an all hands conference call, but there has been no positive response.

The MineOne Defendants reserve all rights and waive none.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Paula', written over a horizontal line.

Paula K. Colbath
Partner

cc: Sean Larson, Esq.
Marc Gottlieb, Esq.
Meggan Hathaway, Esq.
Marc Feinstein, Esq.
Khale Lenhart, Esq.

EXHIBIT 4



WILLIAMS, PORTER, DAY & NEVILLE P.C.
Wyoming's Law Firm

Patrick J. Murphy
159 N. Wolcott St. Suite 400
Casper, WY 82601

Mailing: PO Box 10700
Casper, WY 82602
pmurphy@wpdn.net

July 18, 2024

VIA E-MAIL ONLY

Khale J. Lenhart
HIRST APPLGATE, LLP
P.O. Box 1083
Cheyenne, WY 82003
klenhart@hirstaplegate.com

Re: BCB's Final Conferral on Bitmain Georgia's Objections to BCB's
First Set of Requests for Production

Dear Khale:

While BCB and I have been tussling with MineOne and Paula Colbath for months, Bitmain Georgia has watched from the sidelines and never provided the written discovery it promised BCB. BCB needs all the production by July 23, 2024, especially with depositions of Bitmain representatives beginning next month. If I don't receive them by July 23, I will ask for an immediate conferral with Magistrate Judge Carman on Thursday or Friday, July 25 or 26.

**A. The History of Our BCB/Bitmain Georgia's Deficient
Production and our Conferrals.**

BCB served Bitmain with 28 Requests for Production on January 20, 2024.

On February 21, 2024, I sent you my six-page February 21, 2024 conferral letter setting forth my concerns with Bitmain Georgia's deficient production. We then met telephonically with Bitmain Georgia's LA counsel on February 28, 2024 to discuss my



Patrick J. Murphy's Letter to K. Lenhart
 re: Bitmain Discovery
 Thursday, July 18, 2024

required MineOne to do so. We know MineOne communicated with Bitmain Georgia before MineOne effectively removed BCB. As just one example, in Haku Du's 2/20/23 email to BCB's Michael Murphy, there are six (6) different Bitmain representatives listed. BCB has significant proof – well beyond this email – that MineOne and Bitmain extensively communicated during the existence of the BCB DHS AGREEMENT, but MineOne and Bitmain will not produce those relevant communications.

For clarity's sake, with respect to BCB Request for Production No. 1, please be sure Bitmain Georgia produces each and every document, contract, e-mail, or other communication (including text messages, WeChat, WhatsApp, Discord, Telegram, or any other mobile or social messaging application), between and among Bitmain representatives (*i.e.*, Ran Cheng, Micree Zhan, "Easen", "Jason", Yiliang Guo, Zhou Feng, and Nuolin Lin) with Defendant MineOne representatives (*i.e.*, Chong Wang, Jiaming Li, Erick Rengifo, Huaili Zhang, Cho Zhu, Ziyao Shao, Henry Li, and Haku Du) from October 1, 2022 through May 3, 2023. And with respect to BCB Request for Production No. 9, please be sure Bitmain Georgia produces: each and every document, contract, e-mail, or other communication (including text messages, WeChat, WhatsApp, Discord, Telegram, or any other mobile or social messaging applications), by or between Ran Cheng, Micree Zhan, "Easen", "Jason", Yiliang Guo, Zhou Feng, and Nuolin Lin involving the North Range project and/or Plaintiff BCB and its representatives between October 1, 2022 through May 3, 2023.

You know this Khale, but maybe Bitmain Georgia does not (yet) appreciate this. Bitmain Georgia will be legally liable for all of BCB's contract damages, but under a tort theory. Bitmain Georgia will receive no credit, or set-off, for whatever money BCB may settle for with the MineOne Defendants. Without Bitmain Georgia's wrongfully pushing on MineOne – and directly exerting and imposing Bitmain's extraordinary influence, power, and resources in the



Patrick J. Murphy's Letter to K. Lenhart
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bitcoin mining industry – to remove BCB, thus breaching MineOne's contract with BCB, MineOne would not have wrongfully removed BCB as the host and operator of North Range and Campstool and breached its DHS Agreement.

Very truly yours,

Patrick J. Murphy